

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

AGUSTIN JAIME ERIQUEZ-JIMENEZ,

Defendant.

8:18CR359

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court on the United States of America's Motion for Preliminary Order of Forfeiture, ECF No. 27. The Court has reviewed the record in this case and finds as follows:

1. On May 6, 2019, the Court held a Change of Plea hearing where defendant Agustin Jaime Eriquez-Jimenez agreed to enter a plea of guilty to Count One of the Indictment and agreed to admit to the Forfeiture Allegation and to the forfeiture of \$10,229.00 U.S. currency.
2. Count One charged defendant with intent to distribute methamphetamine in violation of 21 U.S.C. §§ 841(a)(1) and (b)(1).
3. The Forfeiture Allegation alleged that defendant used the currency to facilitate the offenses and/or that the currency was derived from proceeds obtained directly or indirectly as a result of the commission of the offenses.
4. By virtue of said plea of guilty, defendant has forfeited his interest in the subject currency. Accordingly, the United States should be entitled to possession of the currency pursuant to 21 U.S.C. § 853.
5. The Motion for Preliminary Order of Forfeiture should be granted.

IT IS ORDERED:

- A. The Motion for Preliminary Order of Forfeiture, ECF No. 27, is granted.
- B. Based upon the Forfeiture Allegation of the Indictment and the plea of guilty, the United States is hereby authorized to seize the \$10,229.00 U.S. currency.
- C. Defendant's interest in the \$10,229.00 U.S. currency is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of 21 U.S.C. § 853(n)(1).
- D. The United States shall hold the currency in its secure custody and control.
- E. Pursuant to 21 U.S.C. § 853(n)(1), the United States shall publish notice of this Preliminary Order of Forfeiture for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov. The United States may also, to the extent practicable, provide direct written notice to any person known to have an interest in the currency.
- F. Pursuant to 21 U.S.C. § 853(n)(2), such notice shall provide that any person, other than the defendant, having or claiming a legal interest in any of the property must file a petition with this Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.
- G. Pursuant to 21 U.S.C. § 853(n)(3), a petitioner must sign the petition under penalty of perjury and set forth the nature and extent of the petitioner's right, title or interest in the property and any additional facts supporting the petitioner's claim and the relief sought.
- H. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

Dated this 19th day of July 2019.

BY THE COURT:

s/Laurie Smith Camp
Senior United States District Judge